

**U.S. District Court  
Southern District of California (San Diego)  
CIVIL DOCKET FOR CASE #: 3:16-cv-02833-JM-JMA**

Declue et al v. United Consumer Financial Services Company  
Assigned to: Judge Jeffrey T. Miller  
Referred to: Magistrate Judge Jan M. Adler  
Demand: \$5,000,000  
Cause: 47:0227(b)(3) Telephone Consumer Protection Act of 1991

Date Filed: 11/18/2016  
Date Terminated: 02/21/2018  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

Early Neutral Evaluation Conference:  
Case Management Conference:  
Status Hearing:  
Status Conference:  
Mandatory Settlement Conference:

Settlement Conference:  
Settlement Disposition Conference:  
Pretrial Conference:  
Final Pretrial Conference:  
Trial Date:

**Plaintiff**

**Trever Declue**  
*individually and on behalf of those similarly  
situated*

represented by **Abbas Kazerounian**  
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**TERMINATED: 02/14/2018**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Katherine Declue**

*individually and on behalf of those similarly  
situated*

represented by **Abbas Kazerounian**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua B. Swigart**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Veronica McKnight**  
(See above for address)  
*TERMINATED: 02/14/2018*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel G. Shay**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sara Fatehmeh Khosroabadi**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**United Consumer Financial Services  
Company**

represented by **Michael Dominic Meuti**  
Baker & Hostetler  
Key Tower  
127 Public Square  
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Cle, OH 44114-1214  
216-861-7709  
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**Teresa Carey Chow**  
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Email: tchow@bakerlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**United Consumer Financial Services  
Company**

represented by **Michael Dominic Meuti**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Teresa Carey Chow**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant**

**Katherine Declue**  
*individually and on behalf of those similarly  
situated*

represented by **Abbas Kazerounian**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua B. Swigart**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Veronica McKnight**

(See above for address)

TERMINATED: 02/14/2018

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Daniel G. Shay**

(See above for address)

ATTORNEY TO BE NOTICED

**Counter Defendant****Trever Declue***individually and on behalf of those similarly  
situated*represented by **Abbas Kazerounian**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Joshua B. Swigart**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Veronica McKnight**

(See above for address)

TERMINATED: 02/14/2018

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Daniel G. Shay**

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/18/2016	<u>1</u>	COMPLAINT with Jury Demand against United Consumer Financial Services Company ( Filing fee \$ 400 receipt number 0974-9587032.), filed by Trever Declue, Katherine Declue. (Attachments: # <u>1</u> Civil Cover Sheet)  The new case number is 3:16-cv-2833-BEN-JMA. Judge Roger T. Benitez and Magistrate Judge Jan M. Adler are assigned to the case. (Kazerounian, Abbas)(dsn) (jao). (Entered: 11/18/2016)
11/18/2016	<u>2</u>	Summons Issued. <b>Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1.</b> (dsn) (jao). (Entered: 11/18/2016)
11/29/2016	<u>3</u>	NOTICE of Appearance by Joshua Swigart on behalf of Katherine Declue, Trever Declue (Swigart, Joshua)Attorney Joshua Swigart added to party Katherine Declue(pty:pla), Attorney Joshua Swigart added to party Trever Declue(pty:pla) (knb). (Entered: 11/29/2016)
11/29/2016	<u>4</u>	NOTICE of Appearance by Veronica McKnight on behalf of Katherine Declue, Trever Declue (McKnight, Veronica)Attorney Veronica McKnight added to party Katherine Declue(pty:pla), Attorney Veronica McKnight added to party Trever Declue(pty:pla) (knb). (Entered: 11/29/2016)
11/29/2016	<u>5</u>	NOTICE of Appearance by Daniel G. Shay on behalf of Katherine Declue, Trever Declue (Attachments: # <u>1</u> Proof of Service)(Shay, Daniel)Attorney Daniel G. Shay added to party Katherine Declue(pty:pla), Attorney Daniel G. Shay added to party Trever Declue(pty:pla) (knb).

(Entered: 11/29/2016)

12/12/2016	<u>6</u>	Joint MOTION for Extension of Time to File Answer <i>Joint Motion to Continue Responsive Pleading Deadline</i> by United Consumer Financial Services Company. (Chow, Teresa)Attorney Teresa Carey Chow added to party United Consumer Financial Services Company(pty:dft) (knb). (Entered: 12/12/2016)
12/14/2016	<u>7</u>	NOTICE of Party With Financial Interest by United Consumer Financial Services Company [ <i>Civil Local Rule 40.2</i> ] (Chow, Teresa) (knb). (jao). (Entered: 12/14/2016)
12/19/2016	<u>8</u>	ORDER Granting <u>6</u> Joint Motion to Continue Responsive Pleading Deadline. Defendant's deadline to respond to Plaintiffs' Complaint is continued to January 12, 2017. Signed by Judge Roger T. Benitez on 12/19/2016. (knb) (Entered: 12/20/2016)
01/05/2017	<u>9</u>	MINUTE ORDER OF TRANSFER. Judge Roger T. Benitez recuses from case. Case reassigned to Judge Jeffrey T. Miller for all further proceedings. The new case number is 16cv2833-JM-JMA.(no document attached) (knb) (Entered: 01/05/2017)
01/11/2017	<u>10</u>	NOTICE of Appearance <i>OF MICHAEL D. MEUTI</i> by Michael Dominic Meuti on behalf of United Consumer Financial Services Company (Meuti, Michael)Attorney Michael Dominic Meuti added to party United Consumer Financial Services Company(pty:dft) (fth). (Entered: 01/11/2017)
01/12/2017	<u>11</u>	NOTICE <i>OF MOTION AND MOTION TO DISMISS</i> by United Consumer Financial Services Company (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> [Proposed] Order)(Chow, Teresa) QC EMAIL – Wrong event selected; proposed order attached (fth). (Entered: 01/12/2017)
02/02/2017	<u>12</u>	FIRST AMENDED COMPLAINT with Jury Demand against United Consumer Financial Services Company, filed by Trever Declue, Katherine Declue. (Kazerounian, Abbas) qc email re incorrect judge in caption and lacking pos on 2/3/2017 (rlu). (Entered: 02/02/2017)
02/02/2017	<u>13</u>	ORDER Denying as moot <u>11</u> Motion to Dismiss. In light of Plaintiffs' filing of an amended complaint, (Doc. No. <u>12</u> ), the court denies Defendant's motion to dismiss, (Doc. No. <u>11</u> ), as moot. Signed by Judge Jeffrey T. Miller on 2/2/2017. (rlu) (Entered: 02/02/2017)
02/15/2017	<u>14</u>	MOTION to Dismiss for Lack of Jurisdiction by United Consumer Financial Services Company. (Attachments: # <u>1</u> Memo of Points and Authorities in support of its Motion to Dismiss First Amended Complaint)(Chow, Teresa) (rlu). (Entered: 02/15/2017)
03/20/2017	<u>15</u>	RESPONSE in Opposition re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction filed by Katherine Declue, Trever Declue. (Attachments: # <u>1</u> Proof of Service)(Kazerounian, Abbas) (Entered: 03/20/2017)
03/27/2017	<u>16</u>	Minute Order by Judge Jeffrey T. Miller: Submitting, <u>14</u> MOTION to Dismiss for Lack of Jurisdiction. Motion Hearing set for 4/3/2017 10:00 AM before Judge Jeffrey T. Miller is vacated. Written order to follow. (no document attached) (gac) (Entered: 03/27/2017)
03/27/2017	<u>17</u>	REPLY to Response to Motion re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction filed by United Consumer Financial Services Company. (Chow, Teresa) (rlu). (Entered: 03/27/2017)
04/19/2017	<u>18</u>	ORDER Denying Defendant's <u>14</u> Motion to Dismiss First Amended Complaint. Defendant has ten days from the date of this order to answer the First Amended Complaint. Signed by Judge Jeffrey T. Miller on 4/19/2017. (rlu) (Entered: 04/19/2017)
04/28/2017	<u>19</u>	ANSWER to <u>12</u> Amended Complaint <i>Defendant United Consumer Financial Services Company's Answer, Separate Defenses, and, COUNTERCLAIM</i> against Katherine Declue, Trever Declue by United Consumer Financial Services Company.(Meuti, Michael) (rlu). (Entered: 04/28/2017)
05/02/2017	<u>20</u>	

		NOTICE AND ORDER for Early Neutral Evaluation Conference: Early Neutral Evaluation set for 6/5/2017 at 2:00 PM in the chambers of Magistrate Judge Jan M. Adler. Signed by Magistrate Judge Jan M. Adler on 5/2/2017.(rlu) (Entered: 05/02/2017)
05/19/2017	<u>21</u>	MOTION to Dismiss for Lack of Jurisdiction <i>Defendant's Counterclaims</i> by Katherine Declue, Trevor Declue. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Proof of Service)(Kazerounian, Abbas) (rlu). (Entered: 05/19/2017)
05/22/2017	<u>22</u>	Joint MOTION for Extension of Time to Amend <i>Responsive Pleading</i> by United Consumer Financial Services Company. (Attachments: # <u>1</u> Declaration of Michael D. Meuti in Support of Joint Motion to Extend Deadline to Amend Responsive Pleading)(Chow, Teresa) (rlu). (Entered: 05/22/2017)
05/24/2017	<u>23</u>	ORDER Granting <u>22</u> Joint Motion to Extend Time for Defendant to File Amended Pleading. United Consumer Financial Services Company has until 6/9/2017, to file an amended pleading. Signed by Judge Jeffrey T. Miller on 5/24/2017. (rlu) (Entered: 05/24/2017)
05/30/2017	<u>24</u>	ORDER by Magistrate Judge Jan M. Adler: The Early Neutral Evaluation Conference scheduled for 6/5/2017 shall commence at 2:30pm (rather than 2:00pm as previously set forth). (no document attached) (cdc) (Entered: 05/30/2017)
06/02/2017	<u>25</u>	Minute Entry by Magistrate Judge Jan M. Adler: Early Neutral Evaluation Conference set for 6/5/2017 02:30 PM before Magistrate Judge Jan M. Adler. (no document attached) (cdc) (Entered: 06/02/2017)
06/05/2017	<u>26</u>	Minute Entry for proceedings held before Magistrate Judge Jan M. Adler: Early Neutral Evaluation Conference held on 6/5/2017. (Plaintiff Attorneys Bonnie McKnight, Daniel Shay). (Defendant Attorney Teresa Chow). Court to issue written order. (no document attached) (cdc) (Entered: 06/05/2017)
06/07/2017	<u>27</u>	Order Following ENE, Setting Rule 26 Compliance and Notice of Telephonic Case Management Conference. A proposed joint discovery plan shall be lodged with Magistrate Judge Adler's chambers on or before 7/7/2017. Early Neutral Evaluation Conference held on 6/5/2017. Telephonic Case Management Conference set for 7/14/2017 at 9:00 AM before Magistrate Judge Jan M. Adler. Signed by Magistrate Judge Jan M. Adler on 6/6/2017.(rlu) (Entered: 06/07/2017)
06/09/2017	<u>28</u>	AMENDED COUNTERCLAIM against Katherine Declue, Trevor Declue, filed by United Consumer Financial Services Company. (Meuti, Michael) (rlu). (Entered: 06/09/2017)
06/12/2017	<u>29</u>	ORDER Denying, as moot, Plaintiff's <u>21</u> Motion to Dismiss Defendant's Counterclaims. Signed by Judge Jeffrey T. Miller on 6/12/2017. (rlu) (Entered: 06/12/2017)
06/28/2017	<u>30</u>	Joint MOTION to Continue <i>Deadline to Respond To Amended Counterclaims</i> by Katherine Declue, Trevor Declue. (Attachments: # <u>1</u> Certificate of Service)(McKnight, Veronica) (rlu). (Entered: 06/28/2017)
06/29/2017	<u>31</u>	ORDER Granting <u>30</u> Joint Motion to Extend Time for Plaintiffs to Respond to Defendant's Counterclaims. Plaintiffs shall answer or otherwise respond to UCFS's amended counterclaims no later than 7/14/2017. Signed by Judge Jeffrey T. Miller on 6/29/2017. (rlu) (Entered: 06/29/2017)
07/07/2017	<u>32</u>	NOTICE of Dismissal of Counterclaims Against Trevor DeClue and Katherine DeClue by United Consumer Financial Services Company (Chow, Teresa) qc email re incorrect case number on 7/10/2017 (rlu). (Entered: 07/07/2017)
07/11/2017	<u>33</u>	MOTION to Stay <i>Proceedings Pending The D.C. Circuit's Opinion in ACA International v. FCC</i> by United Consumer Financial Services Company. (Attachments: # <u>1</u> Memo of Points and Authorities In Support of Motion to Stay Proceedings Pending the D.C. Circuit's Opinion in ACA International v. FCC)(Chow, Teresa) (rlu). (Entered: 07/11/2017)



07/12/2017	<u>34</u>	Minute Entry by Magistrate Judge Jan M. Adler: In view of the pendency of Defendant's motion to stay proceedings, the Case Management Conference scheduled for 7/14/2017 is vacated. (no document attached) (cdc) (Entered: 07/12/2017)
07/31/2017	<u>35</u>	RESPONSE in Opposition re <u>33</u> MOTION to Stay <i>Proceedings Pending The D.C. Circuit's Opinion in ACA International v. FCC</i> filed by Katherine Declue, Trevor Declue. (Attachments: # <u>1</u> Proof of Service)(McKnight, Veronica) (jpp). (Entered: 07/31/2017)
08/07/2017	<u>36</u>	Minute ORDER, re <u>33</u> MOTION to Stay Proceedings Pending The D.C. Circuit's Opinion in ACA International v. FCC – Submitted. Motion Hearing set for 8/14/17 Vacated. Court to issue written Order. (no document attached) (ksr) (Entered: 08/07/2017)
08/07/2017	<u>37</u>	RESPONSE in Support re <u>33</u> MOTION to Stay <i>Proceedings Pending The D.C. Circuit's Opinion in ACA International v. FCC</i> filed by United Consumer Financial Services Company. (Chow, Teresa) (jpp). (Entered: 08/07/2017)
10/11/2017	<u>38</u>	ORDER denying <u>33</u> Defendant's Motion to Stay proceedings. Signed by Judge Jeffrey T. Miller on 10/11/2017. (jpp) (Entered: 10/11/2017)
10/16/2017	<u>39</u>	ORDER Scheduling Case Management Conference. A telephonic Case Management Conference is set for 10/27/2017 at 09:30 AM before Magistrate Judge Jan M. Adler. Signed by Magistrate Judge Jan M. Adler on 10/16/2017.(aef) (Entered: 10/17/2017)
10/27/2017	<u>40</u>	Minute Entry for proceedings held before Magistrate Judge Jan M. Adler: Case Management Conference held on 10/27/2017. (Plaintiff Attorney Veronica McKnight). (Defendant Attorneys Michael Meuti, Kendall Kash). Court to issue written order. (no document attached) (cdc) (Entered: 10/27/2017)
10/27/2017	<u>41</u>	SCHEDULING ORDER through Class Certification – Telephonic Case Management Conference set for 1/25/2018 09:30 AM before Magistrate Judge Jan M. Adler. Signed by Magistrate Judge Jan M. Adler on 10/27/2017.(jpp) (Entered: 10/27/2017)
01/12/2018	<u>42</u>	MOTION to Change Venue by United Consumer Financial Services Company. (Attachments: # <u>1</u> Memo of Points and Authorities in Support of Motion to Transfer Venue, # <u>2</u> Exhibit 1 – Declaration of Timothy Spencer, # <u>3</u> Exhibit 2 – Declaration of Kendall Kash, # <u>4</u> Exhibit 3 – Dec. 18, 2017 Email from Ms. McKnight to Mr. Meuti)(Meuti, Michael) (jpp). (Entered: 01/12/2018)
01/25/2018	<u>43</u>	NOTICE of Appearance of Attorney Sara Khosroabadi for Plaintiffs Trevor Declue and Katherine Declue by Sara Fatehmeh Khosroabadi on behalf of Katherine Declue, Trevor Declue (Attachments: # <u>1</u> Certificate of Service)(Khosroabadi, Sara)Attorney Sara Fatehmeh Khosroabadi added to party Katherine Declue(pty:pla), Attorney Sara Fatehmeh Khosroabadi added to party Trevor Declue(pty:pla) (jpp). (Entered: 01/25/2018)
01/25/2018	<u>44</u>	Minute Entry for proceedings held before Magistrate Judge Jan M. Adler: Case Management Conference held on 1/25/2018. (Plaintiff Attorney Sara Khosroabadi). (Defendant Attorney Michael Meuti). (no document attached) (cdc) (Entered: 01/25/2018)
01/25/2018	<u>45</u>	Joint MOTION for Extension of Time to File a <i>Determination of Discovery Dispute</i> by Katherine Declue, Trevor Declue. (Attachments: # <u>1</u> Certificate of Service)(Swigart, Joshua) (jpp). (Entered: 01/25/2018)
01/25/2018	<u>46</u>	Joint MOTION for Protective Order by Katherine Declue, Trevor Declue. (Attachments: # <u>1</u> Certificate of Service)(Swigart, Joshua) (jpp). (Entered: 01/25/2018)
01/26/2018	<u>47</u>	ORDER granting <u>45</u> Motion for Extension of Time to File. Deadline for filing of joint motion for determination of discovery dispute extended to 3/1/2018. Signed by Magistrate Judge Jan M. Adler on 1/26/2018. (no document attached) (cdc) (Entered: 01/26/2018)

01/30/2018	<u>48</u>	ORDER granting <u>46</u> Joint Motion for entry of Stipulated Protective Order. Signed by Magistrate Judge Jan M. Adler on 1/30/2018. (jpp) (Entered: 01/31/2018)
02/08/2018	<u>49</u>	NOTICE of Appearance by Clark Robert Conforti on behalf of Trever Declue (Attachments: # <u>1</u> Proof of Service)(Conforti, Clark)Attorney Clark Robert Conforti added to party Trever Declue(pty:pla) (jgg). (Entered: 02/08/2018)
02/14/2018	<u>50</u>	NOTICE of disassociation and withdraw of Attorney <i>for Plaintiffs</i> by Katherine Declue, Trever Declue. (Attachments: # <u>1</u> Certificate of Service)(McKnight, Veronica) (jpp). (Entered: 02/14/2018)
02/15/2018	<u>51</u>	ORDER granting <u>50</u> Notice of disassociation and withdrawal of counsel for Attorney Veronica McKnight for Plaintiffs Tever and Katherine Declue. Signed by Judge Jeffrey T. Miller on 2/15/2018. (jpp) (Entered: 02/15/2018)
02/18/2018	<u>52</u>	NON Opposition re <u>42</u> MOTION to Change Venue filed by Katherine Declue. (Conforti, Clark) (jpp). (Entered: 02/18/2018)
02/19/2018	<u>53</u>	NON Opposition re <u>42</u> MOTION to Change Venue filed by Trever Declue. (Attachments: # <u>1</u> Proof of Service)(Conforti, Clark) (jpp). (Entered: 02/19/2018)
02/21/2018	<u>54</u>	ORDER granting Defendant's Motion to TransferChange Venue. Case transferred to District of Northern District of Ohio. Signed by Judge Jeffrey T. Miller on 2/21/2018. (jpp) (Entered: 02/21/2018)
02/21/2018	<u>55</u>	Case transferred to District of Northern District of Ohio. Files transferred electronically to: *District of Northern District of Ohio*. *801 West Superior Avenue**Cleveland, OH 44113*. Signed by Judge Jeffrey T. Miller on 2/21/2018. (Attachments: # <u>1</u> Transfer Order) (jpp) (Entered: 02/21/2018)